

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3530 of 2004

Between:

Dannasi Mani W/o. Venkata Swamy
Chakicharla Village, Ulavapadu Revenue Mandal, Prakasam District.

..... PETITIONER

AND

- 1 The Collector/Magistrate, Prakasam District, Ongole.
- 2 The Revenue Divisional Officer Kanduuru, Prakasam District.
- 3 The Assistant Director, Department of Fisheries, Ongole.
- 4 The Environmental Engineer, Pollution Control Board, A.K. Nagar, Nellore.
- 5 Pralayakaveri Pullaiah, S/o. Ramaiah,
R/o. Pedapattapupalem Chakicherla Village, Ulavapadu

Revenue Mandal,

Prakasam District.

6 Aavala Govindu @ Chinnaiah, S/o. Rosaiah

R/o. Pedapattapupalem, Chakicherla Village Ulavapadu
Revenue Mandal, Prakasam District.

7 Mattepu Subba Rao, S/o. Bangaraiah,

R/o. Chakicherla Village Ulavapadu Revenue Mandal,
Prakasam District.

8 Pralayakaveri Jaya Ramaiah S/o. Ramaiah

R/o.Redapattapupalem, Chakicherla Village Ulavapadu
Revenue Mandal, Prakasam District.

9 A. Venkata Ramana Chari S/o.Sivarama Chari

R/o.Redapattapupalem, Chakicherla Village Ulavapadu
Revenue Mandal, Prakasam District.

10 Yelchuri Devasahoyam S/o. Brahmaiah

R/o. S.C. Colony,Chakicherla Post, Ulavapadu Revenue
Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Direction more particularly one in the nature of Writ of Mandamus directing the respondent No.1 to 4 prohibiting prawn culture/ponds in Sy.No. 209/1 Ac.3.00, Sy. No.209/2 AC.5-00, Sy.No.174/1 Ac. 1-00, Sy. No.173 Ac.2.00, Sy.No.248 Ac.4-10 and Sy.No. 208 Ac.1-00 situated at Scheduled Caste Colonies Turpu Badava, Chakicherla Village Ulavapadu Mandal, Prakasam District.

Counsel for the Petitioner : MR.J.SATYA PRASAD

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the respondent No.4: MR. S.V. BHATT.

Counsel for the respondent Nos.5, 7, 8 & 9: MR. M. VENKATANARAYANA.

Counsel for the respondent No.6 & 10: None appeared.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 .This writ petition is filed in public interest seeking direction against respondents 1 to 4 to ensure that activity of prawn culture or any type of aqua culture is not carried out by respondents 5 to 10 or anybody else in Sy.Nos.209/1 (Ac.3.00), 209/2 (Ac.5.00), 174/1 (Ac.1.00), 173 (Ac.2.00), 248 (Ac.4.10) and 208 (Ac.1.00) situated at Scheduled Caste Colonies Turpu Badava, Chakicherla Village, Ulavapadu Mandal, Prakasam District.

2. The writ petition came up for consideration on 26.02.2004 before learned single Judge and an order was passed directing respondents 1 to 4 to follow the guidelines issued by this Court in Madireddy Padma Rambabu Vs. District Forest Officer (2002 (3) ALT 57 (D.B).

3 .Counter-affidavit has not been filed. Respondents have been served. Learned counsel for the Pollution Control Board has shown us a report of the Environmental Engineer saying that site was inspected by the Board officials and respondents 5 to 10 were found to have converted their agricultural lands into aqua ponds, but aqua culture was not under practice. Report further states that:

“ Aqua pond belonging to the R-5 to R-10 are surrounded by agricultural lands followed by Chaicherla S.C. Colony towards northern-western sides; Reserve forest followed by Buckingham canal at a distance of ½ km., towards east side and aqua ponds followed by agricultural lands towards southern side. The petitioner informed that the R-5 to R-10 are meeting the water requirement for their ponds through deep bore- wells and are practicing aqua culture without obtaining prior permission from the competent authority and without implementing adequate measures to control water pollution and seepage from aqua ponds. The aqua ponds are formed without the construction of peripheral drains and waste water treatment systems like reserve ponds for treatment of effluents and the buffer zone was also not left with respect to the adjacent agricultural fields. The R-5 to R-10 are discharging waste water into the nearby channels which will be stagnated and percolated affecting the agricultural fields and also the ground

water table.

Due to excess drawl of ground water, the ground water table will be substantially affected which will cause hardship to the surrounding agricultural fields and other dependent on ground water sources. During inspection, the petitioner has apprehended that neighbouring agricultural lands and bore-wells were severely affected due to discharge of excess waste water from the ponds and also due to continuous seepage from the ponds”

4. In view of the report of the Environmental Engineer, we dispose of the writ petition with direction to respondents 1 to 3 to ensure that in case aqua culture is being carried out by respondents 5 to 10 or anybody else in the lands aforementioned without valid approval/consent, they will ensure that such aqua culture activity is stopped forthwith by whatever means permissible and action against the offenders is taken in accordance with law within a period of two months from the date of receipt of a copy of this order. No costs.

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 16.12.2004.

VRK.

To

- 1 The Collector/Magistrate, Prakasam District, Ongole.
- 2 The Revenue Divisional Officer, Kanduru, Prakasam District.
- 3 The Assistant Director, Department of Fisheries, Ongole, Prakasam District.
- 4 The Environmental Engineer, Pollution Control Board, A.K. Nagar, Nellore.
5. Two CCs to G.P., for Revenue, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE M. NARAYANA REDDY.**

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W.P.NO. 3530 OF 2004.

**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 16.12.2004.

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